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In the Matter of

Digital Performance Right in Sound  
Recordings Rate Adjustment

Docket No. 2001-1 CARP DSTRA2

## ORDER

On December 16, 2002, the Library of Congress issued an order rescheduling the precontroversy discovery period in the above-captioned proceeding. Order in Docket No. 2001-1 CARP DSTRA2 (December 16, 2002). As it stands currently, written direct cases are due to be filed on February 24, 2003. On January 17, 2003, the Library received notification that the preexisting nonsubscription services (Music Choice, DMX Music, Inc. and Muzak LLC) and the copyright owners and performers (The Recording Industry Association of America, SoundExchange, Inc., the American Federation of Television and Radio Artists, and the American Federation of Music) had reached agreement as to the adjustment of rates and terms. The Library will be publishing soon that agreement in the **Federal Register** pursuant to the terms of 37 C.F.R. 251.63(b) which permits the Librarian to adopt negotiated settlements in rate adjustment proceedings. On January 21, 2003, the Library received a motion for extension of time to file written direct cases from the preexisting satellite digital audio radio services (XM Satellite Radio, Inc. and Sirius, Inc.) and the copyright owners and performers. The motion seeks to move the February 24, 2003 deadline to March 19, 2003 to permit additional time to reach a settlement agreement.

Wherefore, **IT IS ORDERED** that the precontroversy discovery schedule announced in the December 16, 2002 Order **IS VACATED**. The following is the precontroversy discovery schedule for preexisting satellite digital audio radio services and copyright owners and performers.

ACTION	DATE
Filing of Written Direct Cases	March 19, 2003
Requests for Underlying Documents	March 31, 2003
Responses to Requests for Underlying Documents	April 7, 2003
Completion of Document Production	April 10, 2003
Follow-up Requests for Underlying Documents	April 15, 2003
Responses to Follow-up Requests	April 22, 2003
Motions Related to Document Production	April 25, 2003

Production of Documents in Response

April 30, 2003

All Other Motions, Petitions and  
Objections

May 2, 2003

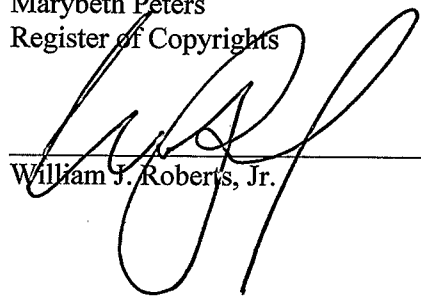
Initiation of Arbitration

June 30, 2003

**SO ORDERED.**

Marybeth Peters  
Register of Copyrights

BY:

  
\_\_\_\_\_  
William J. Roberts, Jr.

DATED: January 23, 2003